



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUL 28 2010

Kimberly S. Voss

Dear Ms. Voss,

This letter is in response to the issues raised in your complaint filed with the Office for Civil Rights (OCR) that were referred to the Office of Special Education Programs (OSEP). In written and telephone correspondence with Judith Gregorian of my staff, you raised a number of issues, including the denial of a free appropriate public education (FAPE) to your child, Ashley, by the Jenks Public School System and that the Oklahoma Department of Education, Special Education Services (OSDE-SES) did not follow the proper complaint procedures pursuant to 34 CFR §§300.151-300.153 in investigating your complaint against the Jenks Public School System.

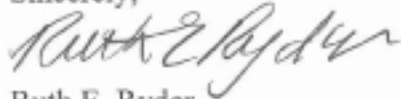
In subsequent discussions that Ms Gregorian had with you regarding your case with the OSDE which dates back to October 2, 2005, and review of documentation that you submitted to our office, OSEP found two concerns specifically related to the Individuals with Disabilities Education Act (IDEA). These concerns have been addressed by Ms. Misty Kimbrough, State Director of Special Education, OSDE-SES, and her staff. The two issues are: (1) you were required to go to court to prove that your settlement agreement did not preclude investigation of your IDEA complaint; and (2) you were denied an opportunity to provide additional evidence but the Jenks Public School System was permitted to do so.

Kay Harley, General Counsel for OSDE provided the enclosed response to your issues. The OSDE acknowledged that it erred in requiring that you go to court in order to obtain its cooperation in resolving your complaint and has assured OSEP that this course of action will not be required in the future in any similar circumstance. With regard to the second issue, the OSDE-SES reported that it did not permit Jenks Public School System to submit any additional evidence pertaining to your complaint. The OSDE also reported that its State complaint procedures were amended in August of 2009, and that the right to request a review or reconsideration of a complaint is no longer included in the OSDE's State complaint procedures.

I thank you for sharing your concerns and hope that, to the extent consistent with State and Federal laws, that these concerns were addressed to your satisfaction.

If you have any additional questions, please feel free to contact Judith Gregorian at 202-245-7360 or by email at Judith.Gregorian@ed.gov.

Sincerely,



Ruth E. Ryder

Director

Office of Monitoring and State
Improvement Planning

Enclosure

cc: Karl Menninger, Office for Civil Rights